

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DB STRUCTURED PRODUCTS, INC., :

Plaintiff, :

-against- :

BALTIMORE AMERICAN MORTGAGE  
CORPORATION, INC., :

Defendant. :

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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 04/22/08

ORDER

07 Civ. 4109 (DLC)(KNF)

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

1. United States District Judge Denise L. Cote has referred this matter to me so that an inquest may be held, in order to determine what amount of damages, if any, should be awarded to the plaintiff, DB Structured Products, Inc., by the defendant, Baltimore American Mortgage Corporation, Inc.;
2. I direct the plaintiff to prepare and file, with a courtesy copy sent timely to my chambers, proposed findings of fact and conclusions of law, as well as an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth its proof of damages, costs of this action, including any applicable interest and/or attorney's fees (and to serve same upon the defendant), on or before May 21, 2008;
3. I direct the defendant to prepare and file, with a courtesy copy sent timely to my chambers, any opposing memorandum, affidavits and exhibits, as well as any

alternative findings of fact and conclusions of law (and to serve same upon the plaintiff), on or before June 23, 2008;

4. In these papers, the defendant shall state whether it requests a hearing for the purpose(s) of; (a) cross-examining the plaintiff's affiants, and/or (b) calling its own witness(es), and, if so, the defendant shall state the name and address of each witness it intends to examine;
5. If a hearing is requested by any party, a date for the hearing shall be fixed by the Court and provided to the parties; and
6. If no request for a hearing is made by any party within 45 days of service of the plaintiff's inquest submissions, I shall make my decision based solely upon the memoranda and affidavits, without any oral argument.
7. The plaintiff shall serve a copy of this Order on the defendant and file proof of service with the court.

Dated: New York, New York  
April 21, 2008

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE